REMARKS/ARGUMENTS

Claims 1-19 are pending in the application. Claims 1-19 are rejected. Claims 1, 8, 17, and 19 have been amended. No new matter has been introduced into the application. As explained in more detail below, Applicants submit that all claims are in condition for allowance and respectfully request such action.

Claim Objections

Claims 1, 8, 17, and 19 are objected to due to the lack of antecedent basis for the limitation "the terminal". The Applicants thank the Examiner for noticing this inadvertent typographical error. Through this Response and Amendment, the Applicants have removed the term "terminal". The Applicants, therefore, respectfully request reconsideration and withdrawal of the rejection.

Claim Rejections – 35 USC § 101

Claim 19 is rejected under 35 U.S.C. § 101, because the claimed invention is directed to non-statutory subject matter. Specifically, the Office Action states that "[d]ata structures not embodied in computer-readable media are descriptive per se and not statutory because they are not capable of causing functional change in the computer." (Office Action dated July 28, 2006; page 2) The Applicants respectfully disagree that claim 19 recites a data structure not embodied in computer-readable media. However, to more clearly recite this aspect, claim 19 has been amended to recite:

> A computer-readable medium having computer-executable instructions~~A computer program stored on a storage medium for execution by a processor, the computer program,~~ that when executed by a processor,~~ causes the processor to~~ execute a method of generating an animation by displaying of a sequence of images in a wireless handheld communication device, comprising:

The Applicants, therefore, respectfully request reconsideration and withdrawal of the rejection.

Claim Rejections – 35 USC § 112

Claims 1- 19 are rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. More specifically, the Office Action asserts that the criteria for defining an optimized display criteria was not adequately described in the specification. The Applicants respectfully disagree with the Examiner, however, to more readily advance prosecution of the claims, the Applicants have amended claims 1, 8, 17, and 19 to replace the term "optimizes" to "alters". For example, exemplary claim 1 now recites:

> the generating of the animation by editing of the at least one of the images and successively displaying of said sequence of images by said wireless handheld communication device alters~~optimizes~~ display resolution of the animation

In view of the Specification, one skilled in the art at the time of the invention would have been able to define criteria for altering resolution without undo experimentation. For example, the users of the wireless handheld communication device may perform pixel-wise editing of the images in the animation. (*See, e.g.,* Specification, page 11, lines 16 – 23; *see also* page 3, lines 12 – 14; "changing said bitmap pattern under control of the user of the communication terminal"). The Specification also discusses the resizing of images into a specific display size. (*See, e.g.*, page 3, lines 5 – 7). Therefore, for at least these reasons, the Applicants respectfully request reconsideration and withdrawal of the rejection.

Claim Rejections – 35 USC § 103

Claims 1, 5, 8, 12, 15-16 and 19 are again rejected under 35 U.S.C § 103(a) as being unpatentable over Wells et al. (U.S. Patent No. 5,870,683), in view of Kalra et al. (U.S. Patent No. 5,953,506).

The Office Action again alleges the '506 patent teaches the display resolution optimization as claimed. The Applicants respectfully disagree. First, the reference does not teach an optimization technique that is performed in a handheld wireless communication device. For example, as recited in exemplary claim 1, the optimization includes "the generating of the

animation by editing of the at least one of the images and successively displaying of said sequence of images" wherein the successive displaying is performed "in said wireless handheld communication device". In contrast, the Office Action cites Col. 2, ll. 18-23 of the '506 patent for "allowing variation in the resolution of different media forms, such as picture image, according to the desires of the user." (Office Action dated July 26, 2006; page 13; emphasis in the original). The Applicants submit that this is distinctly different than the claim limitation discussed above. In fact, just 4 lines below the passage cited by the Examiner, the specification states:

> In order to obtain the objects recited above, among others, the present invention provides an apparatus and method for encoding, storing, transmitting and decoding multimedia information in the form of scalable, streamed digital data. A base stream containing basic informational content and subsequent streams containing additive informational content are initially created from standard digital multimedia data by a transcoder. **Client computers, each of which may have different configurations and capabilities are capable of accessing a stream server that contains the scalable streamed digital data.** Each different client computer, therefore, may access different stream combinations according to a profile associated with each different client computer. Thus, the streams accessed from the server are tailored to match the profile of each client computer so that the best combination of streams can be provided to maximize the resolution of the 3D, audio and video components. Since different stream combinations can be accessed, this advantageously allows for the various combinations of content and resolution that are tailored to match that of the specific client computer. If desired, however, the profile can be further adapted to increase the resolution of certain characteristics, such as sound, at the expense of other characteristics, such as video.

(Summary of the Invention; Col. 2, ll. 27-50; emphasis added). Thus, there is no teaching of at least the optimization as claimed in the "in said wireless handheld communication device". In fact, as previously argued by the Applicants, a stream management module "will obtain a desired resolution profile from a multimedia device 22 and, based upon that desired resolution profile, select the appropriate base and additive streams from the adaptive digital data streams." (Col. 4, lines 25 – 30). There is no indication that the wireless handheld communication device or users of such a device may edit any images or animation contained in the received data streams. (See, e.g., page 3, lines 5 – 9; "changing said bitmap pattern under control of the user of the communication terminal…transferring the changes to the remaining images of the sequence.")

In fact, the '506 patent merely states that the data streams are "decoded and then displayed for the user to experience." (Col. 4, lines 31 – 32).

As recognized by the Office Action dated December 28, 2005, Wells also fails to teach the optimization of display resolution. Therefore, for at least these reasons, neither the '683 patent nor the '506 patent teach, disclose, or suggest, individually or in combination, the subject matter of claims 1, 5, 8, 12, 15-16, and 19, and any of their dependent claims. Therefore, in view of the foregoing, the Applicants respectfully request reconsideration and withdrawal of the rejection.

Claims 2, 6-7, 9, 12-14, and 17-18 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Pat. No. 5,870,683 to Wells et al., ("the '683 patent") and U.S. Pat. No. 5,953,506 to Kalra et al., ("the '506 patent") as applied to claims 1, 5, 8, 12, 15-16, and 19, in view of U.S. Pat. No. 6,516,202 to Hawkins et al., ("the '202 patent"), and further in view of the GIF Construction Set Professional Manual, referred to herein as GCSPM, and the GIF Construction Set Professional Homepage, referred to herein as GCSPH. The Applicants respectfully traverse the rejection in view of the Remarks below.

As set forth above, neither the '683 patent nor the '506 patent teach, disclose, or even suggest the limitations of the claims from which these claims rely upon. Also, the '202 patent is merely directed to an "organizer designed for a cellular telephone expansion" (the '202 patent, Summary of the Invention, Col. 1, line 44) and the GCSPM is directed to an "application for creating animated and transparent GIF files for [a] web page." (GCSPM, page 1). In fact, the previous Office Action stated that ALL the asserted references "fail to explicitly disclose that if said number of times the display of the sequence of images is to be repeated exceeds said predetermined number, the handheld communication device only repeats the display sequence said predetermined number of times." (Office Action dated December 28, 2005, page 10) The Office Action, however, asserts the "loop block" of GCSPM, which has an iterations argument that defines the number of times said animation will loop meets this limitation. Again, nowhere in the GCSPM is there any reference to a cellular phone or any of the limitations of the independent claims from which the rejected claims depend. Even combining the references

would not produce the subject matter of the rejected claims. Therefore, the Applicants respectfully request withdrawal of the rejection.

CONCLUSION

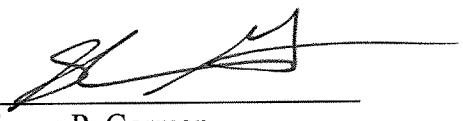
All rejections having been addressed, applicant respectfully submits that the instant application is in condition for allowance, and respectfully solicits prompt notification of the same. Should the Examiner have any questions, the Examiner is invited to contact the undersigned at the number set forth below.

Applicant believes there is no fee due in association with the filing of this response, however, should there be any fees due the Commissioner is hereby authorized to charge any such fees or credit any overpayment of fees to Deposit Account No. 19-0733.

Respectfully submitted,

BANNER & WITCOFF, LTD.

Dated: October 18, 2006

By: 

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